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REMARKS

Claims 1-4, 9-22, and 24 remain pending in the application including independent claim

1. Claims 5-8, 23, and 25-26 have been cancelled.

Claim 12 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The examiner argues that claim 12 is indefinite because the feature of a sun visor that is fitted to the front crossbar, such that the sun visor can be folded downward, is not shown in the drawings or lacks support in the specification. Applicant respectfully disagrees. This feature is shown in Figure 9 and is described at paragraph [37]. As claim 12 is fully supported by the specification and drawings, applicant requests that the 35 U.S.C. 112, second paragraph, rejection be withdrawn.

Claims 1-4, 6-10, 19-20, and 24-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance (US 6227601) in view of newly cited Schlent et al. (US 6776211). The claims have solely been amended to place original claim 8 in independent form, i.e. the features of claims 6, 7, and 8 have been incorporated into claim 1. Thus, applicant respectfully requests that the amendment be entered as no new matter is being presented for consideration.

Claim 8 (now claim 1) includes the features of at least one of the front crossbar and the rear crossbar being a telescopic member and wherein at least one of the front crossbar and the rear crossbar has first and second laterally protruding guide arms that are received in the at least one of the front cross bar and the rear crossbar for sliding movement therein with the first laterally protruding guide arm being received in the first guide rail and the second laterally protruding guide arm being received in the second guide rail. Claim 8 further recites that the first and second laterally protruding guide arms are mechanically coupled to each other and to

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the at least one of the front crossbar and the rear crossbar so that the at least one of the front crossbar and the rear crossbar is centered in a middle area between the first and second guide rails. Neither LaFrance nor Schlent, either alone or in combination, disclose, suggest, or teach this combination of features.

The examiner argues that LaFrance discloses laterally protruding guide arms 38, 63 that are mechanically coupled to each other and to the front or rear crossbar so that the cross bar is centered in the middle area between the first and second guide rails, referring to Figure 9. Applicant respectfully disagrees with this interpretation of LaFrance.

Figure 9 of LaFrance does not disclose any type of centering mechanism for a cross bar. Figure 9 discloses an embodiment of an intermediate slat assembly "wherein two of such slat assemblies are joined together with a compressible dual axle and wheel assembly, illustrating how a plurality of slat assemblies are combined to form a shield." See column 3, lines 32-35. Claim 9 "depicts how adjacent slats are connected together with a wheel and dual axle assembly 49, passing through alternating merlon bores of adjacent slats." See column 7, lines 35-37. There is no presentation or discussion of any type of centering mechanism with regard to Figure 9.

Further, as shown in Figure 10, tubiform axles 38, 63, which the examiner argues corresponds to the claimed guide arms, are rotatably connected to each other by axle pintle 64. There is no disclosure, suggestion, or teaching in LaFrance that any of these components centers a crossbar.

Schlent also does not disclose centering a cross bar as defined in claim 1. The examiner argues that Schlent discloses a centering gear 47; however, this mechanism does not provide a

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centering function. Schlent discloses a gear motor 47 that is used to unwind webs 15, 16, from rollers 24, 25. The gear motor 47 includes an output gear wheel 51 that is seated on output shaft 49, and which is in engagement with two (2) flex shafts 52, 53. The flex shafts 52, 53 are each comprised of a flexible core 53 with a wire helix 56 fastened on it to form a drive cable. A first guide tube 57 extends from the gear motor 47 to the lower end of guide rail 43, which extends along one longitudinal side of the rear window 6. A second guide tube 58 connects the gear motor 47 with the guide rail 44 opposite from the first guide rail 43. The flexible shafts 52, 53 extend through the first and second guide tubes 57, 58.

To retract the window shade 13, the gear motor 47 drives the gear wheel 51 and flex shafts 52, 53 such that the flex shafts 52, 53 are pulled out of the guide rails 43, 44 and pushed into storage tubes 59, 61. Thus, the gear motor 47 and gear wheel 51 provide a driving function for moving the window shade. The gear motor 47 does not provide any type of centering function, and in fact is not capable of centering a rear cross bar as defined in claim 1.

The flex shafts 52, 53 are guided by guide tubes 57, 58 for moving the shade along the guide rails 43, 44 in a longitudinal direction. Claim 8 recites a centering mechanism where the crossbar is centered in a middle area between the first and second guide rails. The centering between the first and second guide rails does not involve movement in a longitudinal direction. Centering between the first and second guide rails involves movement in a direction transverse to the longitudinal direction. Schlent discloses a driving mechanism for driving shades in a longitudinal direction, and does not disclose any type of centering mechanism for centering a shade between guide rails that moves in a direction other than a longitudinal direction. Thus, neither LaFrance nor Schlent disclose the features of claim 8.

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Even if the gear motor 47 could somehow be interpreted as providing a centering function as claimed, there is no motivation or suggestion to modify LaFrance to include the gear motor 47 of Schlent. The examiner argues that it would be obvious to modify LaFrance to include the flexible shade and drive gear as taught by Schlent to provide a tight fitting sunshade. However, LaFrance already includes a tight-fitting sunshade. LaFrance provides a rigid shade structure and includes a drive motor for driving this rigid shade structure. Schlent discloses a stretchable shade and an associated drive motor. The examiner is basically arguing that the entire shade system of LaFrance should be replaced with the shade system of Schlent.

One of the benefits provided by LaFrance is the use of a strong and tough material such as metal or polycarbonate such that sunshade can act as a theft deterrent. See column 2, lines 31-36. To modify LaFrance to include a flexible shade as taught by Schlent would clearly defeat the benefits achieved by LaFrance. Such a modification would render LaFrance unsatisfactory for LaFrance's intended purpose and would change the principle of operation of LaFrance. The examiner's proposed modification cannot render the prior art unsatisfactory for its intended purpose and cannot change the principle of operation of the base reference. See MPEP 2143.01.

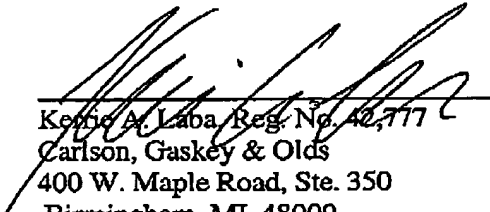
Thus, for the many reasons set forth above, applicant respectfully asserts that claim 1 is allowable over the recited references.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance in view of DeGaillard (US6634703). Claims 13-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over LaFrance in view of German Patent No. DE 19619474. These rejections are moot in light of the amendment set forth above.

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Applicant asserts that all claims are in condition for allowance and respectfully requests an indication of such. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.


Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300 on October 6, 2005.


Laura Combs